

**Pappas, Peter-Anthony**

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**From:** Benson, Carl [CBenson@goodwinprocter.com]  
**Sent:** Tuesday, March 16, 2010 5:33 PM  
**To:** Pappas, Peter-Anthony  
**Cc:** Scott Jr, Thomas J  
**Subject:** Application Ser. No. 08/442,383  
**Attachments:** OPNS 81\_ March 2010 Proposed Amendment.RTF

Examiner Pappas,

Applicants submit the proposed draft amendment to the claims of Application Serial No. 08/442,383, for your consideration. Applicants' position is that the prior art including the Hedger article and the Fletcher patent do not show reprogramming a processor at a receiver station. As we discussed, a fundamental difference exists between reprogramming the operation of a receiver and simply adding programming over a resident control program as taught by Hedger. To make this distinction clear, we propose adding claim language that explicitly sets forth that the operating instructions that control the functionality of the receiver station are different from the permanent operating instructions resident at the receiver station. This is supported by the 1981 specification, which discloses both read only memory for recording permanent operating instructions and a programmable random access memory (PRAM) controller 20 that is reprogrammed to vary the operation of the receiver station. '490 Patent, col. 5, ll. 16-20, Figure 1. The 1981 specification further discloses that operation of the PRAM controller 20 can be altered by external means. '490 col. 10, ll. 10-13. This external alteration of the operation of the PRAM controller is different from the teaching of Hedger and Fletcher where discrete functionalities are selected by the user.

A further difference between the prior art, including Hedger and Fletcher, is that a request is sent from the receiver requesting that the receiver be reprogrammed. For example, where the receiver receives encrypted signals, the PRAM controller 20 can be programmed as necessary to decrypt the encrypted signals. '490 col. 14, ll. 46-61. The receiver station may transmit a request for additional signals to necessary for proper decryption of incoming programming. '490 col. 15, ll. 20-25. There is no teaching in the prior art, including Hedger and Fletcher, of a transmitted request for additional signals that reprogram the receiver station. In both Hedger and Fletcher various sets of control instructions or telesoftware modules are continuously transmitted and the user causes the receiver to select the desired set or module.

We acknowledge that there are two-way communications systems in the prior art such as disclosed in the Saeki patent. However, Saeki only transmits requests for video data. There is no suggestion in Saeki to transmit a request for reprogramming, nor is there any suggestion in Saeki that the receiver station is reprogrammed.

To advance the prosecution of this application, independent claim 5 is cancelled in the attached revised amendment so that each independent claims includes transmitting a request for reprogramming.

Please contact us with any question or comments you may after reviewing the attached revised proposed claim amendments.

As set forth in MPEP 502.03, we recognize that Internet communications are not secure. According, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

<<OPNS 81\_ March 2010 Proposed Amendment.RTF>>

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